

**ENTERED**

October 15, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

|                                 |   |                              |
|---------------------------------|---|------------------------------|
| JULIUS TURNER,                  | § |                              |
|                                 | § |                              |
| Plaintiff,                      | § |                              |
| VS.                             | § | CIVIL ACTION NO. 2:17-CV-385 |
|                                 | § |                              |
| SUSANNA CARBETT, <i>et al</i> , | § |                              |
|                                 | § |                              |
| Defendants.                     | § |                              |

**ORDER DIRECTING THE CLERK TO SEND  
PLAINTIFF'S EXHIBITS TO DEFENDANTS AND GRANTING  
DEFENDANTS TIME TO FILE AN AMENDED MOTION TO STRIKE**

Plaintiff Julius Turner is a Texas inmate assigned to the McConnell Unit in Beeville, Texas. Plaintiff is appearing *pro se* and *in forma pauperis*. He filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983 alleging deliberate indifference to his serious medical needs in violation of the Eighth Amendment.

On July 26, 2018, Plaintiff notified the Court that he had designated Dr. Harry Bonnell as “his non-retained testifying expert witness.” (D.E. 36). In his response to Defendants’ summary judgment motion, Plaintiff included Dr. Bonnell’s affidavit as part of his attached exhibits. (D.E. 43-2, pp. 2-4). On October 15, 2018, Defendants filed a motion to strike Dr. Bonnell’s affidavit. (D.E. 45). Defendants stated in their motion to strike, however, that Plaintiff had not served them with any of the exhibits attached to his response to the summary judgment motion.<sup>1</sup> (D.E. 45, p. 5). Thus, Defendants have had

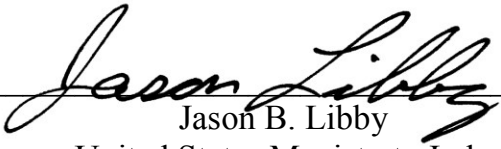
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<sup>1</sup> Apparently, Plaintiff only served upon Defendants his response to the pending summary judgment motion and did not mail to Defendants any of the attached exhibits. Plaintiff is reminded that he is required to “serve the other party

no opportunity to fully review Dr. Bonnell's affidavit in its entirety or any other exhibits supporting his credentials as an expert witness.

Accordingly, the Clerk of the Court is DIRECTED to mail to Defendants a copy of all of Plaintiff's exhibits which were attached to his response (D.E. 43-2). Upon review of Dr. Bonnell's affidavit as well as any exhibits supporting Plaintiff's assertion that Dr. Bonnell is a proper expert witness, Defendants shall file on or before October 26, 2018 an amended motion to strike Dr. Bonnell's affidavit.

ORDERED this 15th day of October 2018.

  
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Jason B. Libby  
United States Magistrate Judge